THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25094 of 2005

25.11.2005

Between:

Smt. Lalithamma, W/o.Late Radha Krishna, Vellur Nacharam Gutta,

Vergal Mandal, Medak District.

… Petitioner

AND

1. The Sarpanch, Gram Panchayat, Vellur, Vergal Mandal,

Medak District.

And others

… Respondent

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WRIT PETITION No.25094 of 2005

ORDER:

The petitioner is resident of Vellur Nacharam Gutta village, Vergal Mandal, Medak District. She claims to be the owner of house bearing No.7-09 situated in the said village. The grievance of the petitioner is that the third respondent, who purchased Acs.0.01 gunta in petitioner's land, made unauthorized construction on the southern side of petitioner's property. Her complaints to Gram Panchayat did not evoke any response. Therefore, she filed W.P.No.2834 of 2005 seeking a writ of Mandamus declaring the action of Gram Panchayat in not taking any action on the representations as illegal and arbitrary. By an order dated 23.2.2005, this Court disposed of the writ petition directing the Gram Panchayat, Vellur to enquire into the allegations made by the petitioner and take necessary action in accordance with law, after affording an opportunity to Surender Reddy, from whom the third respondent purchased the property. In spite of the orders of this Court in W.P.No.2384 of 2005, the first respondent did not take any action. Therefore, the present writ petition is filed.

A reading of the order of this Court in W.P.No.2384 of 2005 would show that this Court did not fix any time for complying with the orders. As per Rule 21 of Writ Proceedings Rules, 1977, the Gram Panchayat ought to have taken action within a period of two months from the date of receipt of copy of the order. When the inaction of Gram Panchayat amounts to disobedience, the remedy available to the petitioner is to invoke the jurisdiction of this Court under the provisions of Contempt of Courts Act, 1971. For the same relief, which was sought in earlier writ petition, another writ petition is not permissible.

The writ petition is, therefore, dismissed giving liberty to the petitioner to avail

the other remedies under law. No costs.

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November 24, 2005. (**V.V.S.RAO, J**)

Note:

Issue order copy by 28.11.2005.

(B/o)
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